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10/670,597	09/25/2003	Riku Mikko Mettala	KOLS.053PA	7489

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EXAMINER
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RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/670,597

Applicant(s)

METTALA ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09252003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-22 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on September 25, 2003 was filed with the original papers. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application

Claim 1 teaches "forming a configuration message comprising data", "transmitting said configuration message" and "synchronizing data". The claim language teaches the steps of creating a message with data required for synchronizing,

transmitting the message, initializing the synchronizing and synchronizing the data using said data. The claim language does not provide for storing results from the synchronization or does not display the results to a user. Therefore, the claim language provides no concrete or tangible results.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-2,5,7,9-11,12-14, 17,19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al (US 6,882,659).**

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As per claim 1 Novak anticipates:

A method of arranging data synchronization of at least one application in a networked system comprising at least one terminal, at least one synchronization server, a first database in the terminal, and a second database, wherein a synchronization connection is arranged between the terminal and the synchronization server to perform

synchronization at col.4, lines 21-30, the method comprising:

forming a configuration message comprising data required for the application data synchronization, said data comprising settings of at least the second database at col.5, lines 9-36 and figs.3-6;

transmitting said configuration message from the synchronization server to the terminal; initializing the synchronization using the arranged synchronization connection and at least part of said data, and synchronizing data of at least the first database and the second database using at least part of said data at col.7, lines 25-35.

Novak teaches forming a configuration message comprising data required for the application data synchronization, said data comprising settings of at least the second database, transmitting said configuration message from the synchronization server to the terminal, initializing the synchronization using the arranged synchronization connection and at least part of said data, and synchronizing data of at least the first database and the second database using at least part of said data at col.5, lines 9-36 , col.7, lines 25-35 and figs. 3-6.

As per claim 2 same as claim arguments above and Novak anticipates:

wherein the settings of said at least second database comprise at least the name of the second database, the data on the content types supported, and an address, such a URI indicator, and at least said address is transmitted in the initialization of the synchronization session preceding the data synchronization from the terminal to the synchronization server as a response to the need to synchronize data of the second database at col.5, lines 13-33.

As per claim 5 same as claim arguments above and Novak anticipates:

wherein said configuration message comprises at least one field which defines whether said data is new, replacing previous data or complementary at col.5, lines 33-43.

As per claim 7 same as claim arguments above Novak anticipates:

wherein said configuration message is transmitted using one or more of the following protocols: SMS, OBEX, HTTP, or WAP at col.1, lines 33-49 and col. 4, lines 31-40.

As per claim 9 same as claim arguments above and Novak anticipates:

wherein said data comprises settings of a plurality of databases, and data of at least the first database and said plurality of databases is synchronized using at least part of said data at col.5, lines 47-49.

Claims 10,12,14,19-22 are rejected under the same rationale as claim 1 arguments.

Claims 11,13,17 are rejected under the same rationale as claim 2 arguments.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (US 6,882,659) in view of Bodnar et al (US 6,295,541).**

As per claim 3 same as claim arguments above and Novak does not explicitly teach wherein said data further comprises user text, and the user text is displayed to the user of the terminal. Bodnar does teach this limitation at abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to handle new datasets and new data types at col.3, lines 58-63.

Claim 16 is rejected under the same rationale as claim 3 arguments.

**Claims 4,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (US 6,882,659) in view of Novak et al (US 6,643,669).**

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As per claim 4 same as claim arguments above and Novak ('659) does not explicitly teach wherein said data further comprises settings defining the timing of the synchronization, and the formation of the synchronization connection and the initialization of the synchronization is started from the terminal at the moment of time according to said settings however Novak ('699) does teach this limitation at col.3, line 57 to col.4, line 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to enable the process to be carried out in a faster manner at col.1, lines 45-55.

Claim 15 is rejected under the same rationale as claim 4 arguments.

**Claims 6,8,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (US 6,882,659) in view of Leppinen et al (US 2002/0081995).**

As per claim 6 same as claim arguments above and Novak does not explicitly teach wherein said configuration message is an XML document in a binary or text format. Leppinen does teach this limitation at parg. 7, lines 8-11 and parg. 15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conveniently share data among different users at parg.6.



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As per claim 8 Novak does not explicitly teach wherein the data transmission between the synchronization server and the wireless terminal is based on the WAP protocol stack and the initialization of the synchronization session and the synchronization is based on the SyncML synchronization protocol performed on top of the WAP protocol stack. Leppinen does teach this limitation at pargs. 7-8,13. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to conveniently share data among different users at parag.6.

Claim 18 is rejected under the same rationale as claim 8 arguments.

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### Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

March 11, 2006

  
SHAHID ALAM  
PRIMARY EXAMINER